

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P04-03	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/JP2004/002576	International filing date (day/month/year) 02.03.2004	Priority date (day/month/year) 03.03.2003
International Patent Classification (IPC) or national classification and IPC		
Applicant SAN-EI GEN F.F.I., INC.		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>7</u> sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input checked="" type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) <u>1 Disk</u> , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input checked="" type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☒ the international application as originally filed/furnished
- ☐ the description:
- pages _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☐ the drawings:
- sheets _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims		YES
	Claims	1-18	NO
Inventive step (IS)	Claims		YES
	Claims	1-18	NO
Industrial applicability (IA)	Claims	1-18	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
Document 1: US 4229439 A			
Document 2: JP 2002-153240 A			
Document 3: JP 2001-46030 A			
Document 4: WO 02/17945 A1			
Document 5: JP 6-125750 A			
Document 6: Leslie WADA et al., "Antioxidant Activity and Phenolic Content of Oregon Caneberries," Journal of Agricultural and Food Chemistry, 2002, Vol. 50, pages 3495 to 3500			
Document 7: Wei ZHENG et al., "Oxygen Radical Absorbing Capacity of Phenolics in Blueberries, Cranberries, Chokeberries, and Lingonberries," Journal of Agricultural and Food Chemistry, January 2003, Vol. 51, pages 502 to 509			
Document 8: Norikazu MAEDA et al., "PPAR γ Ligands Increase Expression and Plasma Concentrations of Adiponectin, an Adipose-Derived Protein," Diabetes, 2001, Vol. 50, pages 2094 to 2099			
Document 9: Anders H. BERG et al., "The Adipocyte-secreted Protein Acrp30 enhances hepatic insulin action," Nature Medicine, 2001, Vol.			

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

7, No. 8, pages 947 to 953

Document 10: T. YAMAUCHI et al., "Adiponectin Stimulates Glucose Utilization and Fatty-acid Oxidation by Activating AMP-activated Protein Kinase," Nature Medicine, 2002, Vol. 8, No. 11, pages 1288 to 1295

The invention set forth in claims 1 to 8 is disclosed in documents 1 to 7 cited in the international search report; therefore, this invention lacks novelty and does not involve an inventive step. Documents 1 to 7 disclose medicaments or food products that can be used for the prevention and/or the amelioration of the pathological conditions and the like which are caused by obesity, diabetes, arteriosclerosis, hypertension and/or activated oxygen, said medicaments and food products comprising at least one cyanidin compound, which is selected from a group that includes cyanidins and cyanidin glycosides, as the active component(s), whereas claims 1 to 8 set forth adiponectin expression promoters that comprise said compound(s) as the active component(s). However, adiponectin expression promoters can be considered to include medicaments and food products that can be used for the prevention and/or the amelioration of the abovementioned pathological conditions; therefore, the inventions in question are the same.

The invention set forth in claims 9 to 18 is disclosed in documents 1 to 7 cited in the international search report; therefore, this invention lacks novelty and does not involve an inventive step. Documents 1 to 7 disclose medicaments or food products that can be used

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

for the prevention and/or the amelioration of the pathological conditions and the like which are caused by obesity, diabetes, arteriosclerosis, hypertension and/or activated oxygen, said medicaments and food products comprising at least one cyanidin compound, which is selected from a group that includes cyanidins and cyanidin glycosides, as the active component(s).

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Box No. VI **Certain documents cited****1. Certain published documents (Rule 70.10)**

Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
WO 03/072121 A1 (EX)	04.09.2003	04.07.2002	28.02.2002

2. Non-written disclosures (Rule 70.9)

Kind of non-written disclosure	Date of non-written disclosure (day/month/year)	Date of written disclosure referring to non-written disclosure (day/month/year)
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Supplemental Box Relating to Sequence Listing

Continuation of Box No. I, item 2:

1. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this report was established on the basis of:
- a. type of material
 - ☒ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material
 - ☐ in written format
 - ☒ in computer readable form
 - c. time of filing/furnishing
 - ☐ contained in the international application as filed
 - ☒ filed together with the international application in computer readable form
 - ☐ furnished subsequently to this Authority for the purposes of search and/or examination
 - ☐ received by this Authority as an amendment* on _____
2. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
3. Additional comments:

* If item 4 in Box No. I applies, the listing and/or table(s) related thereto, which form part of the basis of the report, may be marked "superseded."